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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HENRY SALCIDO,

Defendant.

CASE NO.: 2:20-cr-00026-KJD-NJK

**STIPULATION TO CONTINUE
DEFENDANT SALCIDO'S
INITIAL APPEARANCE AND
ARRAIGNMENT AND PLEA
(First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Christopher Lin, Assistant United States Attorney, counsel for the United States of America, and Karen A. Connolly, counsel for Defendant Henry Salcido, that the Initial Appearance/Arraignment and Plea in the above captioned case, which is currently scheduled for April 27, 2020, at the hour of 3:00 p.m., be continued and reset to a date and time convenient to this Court, but no sooner than 30 days.

This Stipulation is entered into for the following reasons:

1. On March 16, 2020, the Chief Judge of the U.S. District Court for the District of Nevada issued Temporary General Order 2020-03, which found that due to the outbreak of the coronavirus disease 2019 ("COVID-19") in the District of Nevada, the declaration by the Governor of the State of Nevada of a public health emergency due to the spread of COVID-19 in Nevada, and the declaration of local emergencies by local governments due to COVID-19, including Clark County, the Court has sustained "reduced ability to obtain an adequate spectrum of jurors," and it noted the effects of public health recommendations, including "social distancing measures."

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General Order 2020-03 accordingly continued all civil and criminal trials until April 10, 2020, pending further order of the Court and found that “the ends of justice are best served by ordering the continuances, which outweighs the best interests of the public and any defendant’s right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A).”

2. On March 19, 2020, the Chief Judge of the U.S. District Court for the District of Nevada issued Temporary General Order 2020-04 (collectively with General Order 2020-03, “the General Orders”), which noted that “the COVID-19 pandemic has continued to spread,” resulting in the need for “more aggressive social-distancing measures.” The Court noted further that, “[o]n March 17, 2020, the Governor of the State of Nevada ordered the closure of many business establishments and strongly encouraged all citizens to stay home.” Accordingly, the Court ordered the temporary closure of the Clerk’s office, and implemented other changes, including “striving to eliminate in-person court appearances.” In the event any hearing must go forward, the Court will conduct the hearing via video or teleconference. The Court will vacate or amend GO 2020-04 no later than April 30, 2020.

3. On April 9, 2020, the Chief Judge of the U.S. District Court for the District of Nevada issued an Amendment to the Temporary General Order 2020-03 further continuing criminal trials past April 10, 2020, noting that “jury trials must be further postponed in light of the COVID-19 pandemic.”

4. On February 18, 2020, a Grand Jury of this district charged defendant Salcido and co-defendant Anthony Guerrero with Distribution of a Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(2). On April 9, 2020, the initial appearance/arraignment and plea was reset to April 27, 2020, at 3:00pm, and defendant Salcido was directed to report to the office of his Counsel to make an appearance via videoconference.

5. Undersigned counsel only has one webcam in-office. It would violate COVID-19 restrictions to share the webcam with defendant Salcido for a videoconference appearance.

6. Accordingly, based on the public health emergency brought about by the COVID-19 pandemic, and the required social-distancing measures as recognized in the General Orders;

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as well as the health risks to defendant Salcido and any of the participants of the scheduled April 27, 2020 hearing, the parties agree to continue the currently scheduled initial appearance/arraignment and plea for a period of at least 30 days. Defendant Salcido also stipulates to waive all speedy trial claims or any constitutional claims that may arise because of this delay.

7. Defendant Henry Salcido is not in custody and does not object to a continuance.

8. This continuance is not sought for purposes of delay, but to account for the necessary social-distancing in light of the COVID-19 public health emergency.

9. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendant in a speedy trial.

10. The additional time requested by this stipulation is excludable in computing the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(1)(D) and (H); and (h)(7)(A), and considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and (iv).

11. This is the first request to continue the initial appearance/arraignment and plea.

DATED this 21 day of April, 2020.

NICHOLAS A. TRUTANICH
 United States of America

/s/ Christopher Lin
 CHRISTOPHER LIN
 Counsel for Plaintiff

/s/ Karen A. Connolly
 KAREN A. CONNOLLY
 Counsel for Henry Salcido

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HENRY SALCIDO,

Defendant.

CASE NO.: 2:20-cr-00026-KDJ-NJK

**FINDINGS AND ORDER ON
STIPULATION**

FINDINGS OF FACT

Based on the Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. To account for the necessary social-distancing in light of the COVID-19 public health emergency, to allow the defense adequate time to prepare following the resolution of this public health emergency, and because counsel does not have a second available webcam in-office for defendant Salcido to utilize for hearing appearance, the initial appearance/arraignment and plea in this case should be continued.

2. The parties agree to this continuance.

3. Defendant Henry Salcido is not in custody and does not object to a continuance.

4. This continuance is not sought for purposes of delay.

5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendant in a speedy trial.

6. The additional time requested by this stipulation is excludable in computing the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(1)(D) and (H); and (h)(7)(A), and considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and (iv).

THEREFORE, IT IS HEREBY ORDERED that the initial appearance/arraignment and plea in the above-captioned matter currently scheduled for April 27, 2020, at the hour of 3:00 p.m., be

1 vacated and continued to a date and time convenient to this court, that is Tuesday, June 2, 2020,, at
2 the hour of 3:00 p.m., in courtroom 4B.

3 DATED this 22nd day of April, 2020.

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6 NANCY J. KOPPE
7 UNITED STATES MAGISTRATE JUDGE
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